

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:14-cr-00005-MR**

UNITED STATES OF AMERICA,)

Plaintiff,)

VS.

JAMES WESLEY HILLS, II,)

Defendant.)

ORDER

THIS MATTER is before the Court upon the Defendant's *pro se* Motion to Terminate Supervised Release. [Doc. 27].

On March 3, 2014, the Defendant pled guilty to one count of filing a false tax claim, in violation of 18 U.S.C. § 287; and one count of aggravated identity theft, in violation of 18 U.S.C. § 1028A. [Docs. 2, 10]. On June 4, 2015, the Defendant was sentenced to a total term of forty-five (45) months' imprisonment and three (3) years of supervised release, and ordered to pay a special assessment of \$200.00 and \$68,203.01 in restitution. [Doc. 23]. The Defendant's supervised release terminates on October 16, 2021.

The Defendant now moves the Court to exercise its discretion and terminate his term of supervised release. [Doc. 27].

In order to terminate a defendant's term of supervised release, the Court must be "satisfied that such action is warranted by the conduct of the defendant and the interest of justice." 18 U.S.C. § 3564(c). In the present case, the Defendant's supervising probation officer has advised the Court that she objects to the Defendant's request. Further, the Defendant's supervising probation officer reports that the Defendant still has a significant outstanding financial obligation of \$36,543.28 in restitution. While the Defendant's compliance with the terms and conditions of supervised release is commendable, the Court is not satisfied that termination is warranted under the circumstances at this time. Accordingly, the Court declines to exercise its discretion to terminate the Defendant's term of supervised release.

IT IS, THEREFORE, ORDERED that the Defendant's *pro se* Motion to Terminate Supervised Release [Doc. 27], is **DENIED**. The Defendant's term of supervised release shall continue as originally sentenced.

The Clerk is directed to serve a copy of this Order on the Defendant, counsel for the Government, and the United States Probation Office.

IT IS SO ORDERED.

Signed: September 27, 2021


Martin Reidinger
Chief United States District Judge

